

**REMARKS**

Reconsideration is requested.

Claims 1, 3, 4, 6, 7, 9, 10, 25, 27, 28, 30, 31, 33 and 34 are pending.

Claims 6, 7, 30 and 31 have been canceled, without prejudice, to make moot the objections to same. Entry of the present Amendment is requested to make moot the Rule 75 objections of the claims.

The Section 103 rejection of claims 1, 3, 4, 6, 7, 9, 10, 25, 27, 28, 30, 31, 33 and 34 over Basel (WO 98/36084) in view of Zhou (Molecular Gen. Genet. 248:318-328, 1995) is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following further comments, as well as the remarks of record.

The applicants submit that increased growth rate described in the primary reference will be understood by one of ordinary skill to relate to speed of growth, and not to increasing seed yield as claimed. The cited combination of art would not have led one of ordinary skill to have made the claimed invention. The suggested increased crop size suggested by the Examiner in interpreting the primary reference may have led one of ordinary skill to suggest increased biomass, as opposed to increased seed yield - as claimed. The applicants submit that the cited combination of art would not have suggested that increased expression of a nucleic acid encoding the protein of SEQ ID NO:2 would result in an increased seed yield. The cited combination of art would not have led one of ordinary skill in the art to have expected an increased number of primary panicles, increased number of seed or increased weight of seeds as described,

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Appl. No. 10/553,656  
Atny. Ref.: 4982-13  
Amendment After Final Rejection  
July 6, 2010

for example, in Example 5 of the specification. Withdrawal of the Section 103 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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